

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA DEL ROSSARIO JARAMILLO
BALLESTEROS, as Personal Representative of
the ESTATE OF JAIME CARRILLO
MONTENEGRO, a Florida estate, and as
Guardian of M.F.C.J., a minor; and RAQUEL
JAVELA ROJAS as Personal Representative of
the ESTATE OF JAIME EDUARDO HERRERA
ROMERO, and Guardian of J.M.H.J., a minor,

Plaintiffs,

v.

THE BOEING COMPANY, a Delaware
Corporation,

Defendant.

No. 22-cv-00393-TSZ

DECLARATION OF ROBERT
MCINTOSH IN SUPPORT OF
BOEING'S MOTION TO DISMISS

DECLARATION OF ROBERT MCINTOSH

I, Robert McIntosh, declare as follows:

1. I am the Director of Product Safety for Boeing Commercial Airplanes. As part of my responsibilities, I manage and supervise Boeing's Air Safety Investigation group, located in Everett, Washington. I submit this declaration in support of Boeing's motion to dismiss on the ground of *forum non conveniens*. This declaration is based on my personal knowledge as well as information collected by other Boeing employees, and I am, if required, prepared to testify regarding the facts set forth herein.

2. One of the functions of the Air Safety Investigation group is to coordinate the technical support that Boeing provides to government authorities responsible for conducting commercial aviation investigations under Annex 13 of the Convention on International Civil Aviation ("Annex 13"). Under Annex 13, the country where an accident occurs normally has responsibility for investigating that accident. In Colombia, aircraft accidents such as the one at issue in this case are investigated by the Grupo de Investigación de Accidentes Aéreos Colombia ("GRIAA"). When an accident investigation governed by Annex 13 involves an aircraft designed and manufactured in the United States, the United States National Transportation Safety Board ("NTSB") is typically designated as an Accredited Representative to the investigation, representing the State of Manufacture and Design of the accident aircraft. In connection with some, but not all, accident investigations involving Boeing aircraft and governed by Annex 13, Boeing personnel are asked to serve as Technical Advisors to the NTSB.

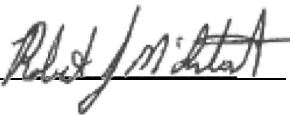
3. Boeing did not participate in or provide any assistance to the GRIAA's investigation into the accident on March 9, 2019 near San Martín, Colombia that is the subject of this lawsuit. Boeing personnel were not asked to serve as technical advisors to the NTSB in connection with

1 the accident investigation, nor did they participate in the investigation any other capacity. Boeing
2 was not asked to provide, and did not provide, documents or information to any member of the
3 Annex 13 investigation team, including to the GRIAA or to the NTSB. Boeing also was not pro-
4 vided with documents or information by any member of the Annex 13 investigation team, includ-
5 ing the GRIAA or the NTSB.
6

7 4. I understand that the accident airplane was a DC-3 that was originally delivered as a C-
8 47 (a military variant of the DC-3) to the U.S. Army Air Force in 1945 and subsequently converted
9 to a DC-3. The DC-3 (and the C-47 variant) were designed in California by the Douglas Aircraft
10 Company. Douglas subsequently merged with McDonnell Aircraft and became McDonnell Doug-
11 las. Boeing acquired McDonnell Douglas in 1997.
12

13 I declare that the foregoing is true and correct under penalty of perjury under the laws of
14 the United States.
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16 Signed on this 15 day of February 2023, at Seattle, Washington.

17 By: 
18 Robert McIntosh
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